C.F. 1201

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION No. 1863 /2005

PETITIONER

Uttam Singh Thakur
aged about 39 years
S/o Shri Gambhir Singh Rajput,
R/o Professor Colony, Kawardha,
Permanent Address Sector-6,
Street 38 Q. No. 4 J Old Russian
Block, Bhilai Distt. Durg (C.G.)

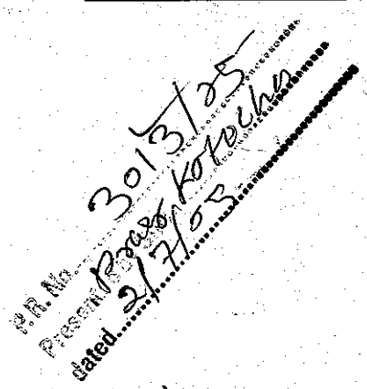
VERSUS

RESPONDENTS

1. The State of Chhattisgarh,
Through Secretary,
Ministry of Home, Mantralaya
D.K.S. Bhawan, Raipur

2. Director General of Police
Raipur

3. Superintendent of Police
Rajnandgaon (C.G.)



WRIT PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(20)

आदेश पत्रक

मामला क्रमांक W.P. 2865/05 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

8.7.2005

Petitioner by Shri Parag Kotecha, Advocate.

Respondents/State by Shri Vivke Sharma, Panel Lawyer.

Heard.

The petitioner has filed this petition under Articles 226 and 227 of the Constitution of India challenging the order dated 10.6.2005 whereby on repatriation of the services of the petitioner back to the Home Department from the Transport Department, he has been directed to be posted at Dantewada from Kawardha.

Learned counsel for the petitioner submits that the petitioner was appointed as Constable at Kawardha, when he was sent on deputation to the Transport Department with effect from 18.4.2003. On repatriation to the Home Department the petitioner had joined at Raipur from where, by the order impugned dated 10.6.2005 (Annexure P/1), he has been sent

(पीछे देखिये)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(21)

आदेश पत्रक

2865/05

मामला क्रमांक ..... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

to the District Force in the naxalite affected district Dantewada.

Learned counsel for the petitioner further submits that the petitioner challenges his transfer to Dantewada i.e. naxalite affected area because as per the policy of the Govt. a constable can be considered for transfer only after he has spent 15 years of service in a naxalite affected area.

With regard to the transfer from Kawardha to Dantewada, it was submitted by the petitioner that the original place of posting is also a naxalite affected area where he was working before deputation to the Transport Department and no transfer can be made from one naxalite area to other naxalite area without considering the policy of the State Govt. i.e. a Constable has to work only 15 years in one naxalite area.

In view of the disputed facts involved in this petition, I am of the opinion that this petition can be disposed of with the liberty to the petitioner to make a representation to the authority concerned within a period of 15 days from today

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(22)

आदेश पत्रक

मामला क्रमांक 2865/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

raising all his grievances and on such representation being filed by the petitioner, the authority concerned shall consider and decide the case of transfer of the petitioner in accordance with law and the policy framed in this regard, within a period of one month from the date of submission of the representation by the petitioner. However, the order of transfer to Dantewada will not be given effect to till the representation is decided by the authority concerned. Ordered accordingly.

In view of the foregoing, this petition stands disposed of finally.

Sd/-
Satish K. Agnihotri
Judge

(पीछे देखिये)